

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD E. DAY, JR.,)
Petitioner,)
)
vs.) Civil Action No. 09-6
)
THE ATTORNEY GENERAL OF THE)
STATE OF PENNSYLVANIA, et al.,)
Respondents.)

O R D E R

AND NOW, this 24th day of March, 2009, after the petitioner, Edward E. Day, Jr., filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the petition and the record and upon consideration of the magistrate judge's Report and Recommendation (Docket No. 15), which is adopted as the opinion of this court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (Docket No. 4) is dismissed and a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Federal Rule of Appellate Procedure 3.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Edward E. Day, Jr.
206 North 2nd Street
Jeannette, PA 15644